REMARKS

In the Office Action mailed December 18, 2006, the Examiner noted that claims 1-16 were pending and rejected claims 1-16. Claims 1, 10-12 and 16 have been amended, claims 9 and 14 have been canceled, new claim 17 has been added, and, thus, in view of the forgoing claims 1-8, 10-13 and 15-17 are pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 101

Claims 5-16 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 11, 12 and 16 have been amended to recite "a computer comprising:" the claims therefore to an apparatus, which is a machine one of the four types of 35 U.S.C. § 101 inventions.

The preambles of claims 5 and 13 recite "A **computer-readable portable storage medium**, which is used by a computer for testing a program for executing a process with externally given data and **on which is recorded a stub program for causing the computer to execute a process**." (Emphasis added) Claims 5 and 13 therefore are articles of manufacture, one of the four types of 35 U.S.C. § 101 inventions, as it is a computer program stored on a computer readable storage medium that is executable by a computer.

The preambles of claims 10 and 15 recite: "A **method** testing a program for executing a process with externally given data, comprising." (Emphasis program) The claim is to a method testing a program, not a method program. Therefore claims 10 and 15 are to a process, one of the four types of 35 U.S.C. § 101 inventions.

Claims 5-16 are statutory as the each produce a useful, concrete and tangible result which is the "embedding input data value" and "electronic text to be transmitted". The embedding and transmitting of data, being a useful, concrete and tangible result.

Claims 9 and 14 have been cancelled.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 1-11 stand rejected under 35 U.S.C. § 103(a) as obvious over Weinberg, U.S. Patent No. 6,587,969 in view of Nelson, U.S. Patent No. 6,507,861.

Weinberg discusses a system of testing a server by recording user/client steps and playing them back to the server testing for the correct results. This in contrast to the present claims which are to a system of testing a client when a server is unavailable during server development. Column 21 lines 10-13 of Weinberg states:

> The replay interpreter 618 is responsible for **parsing a testscript** and **calling the identified functions** along with the associated data locations that are provided by the testscript (FIG. 7). [Emphasis added]

Weinberg therefore discusses parsing a testscript and then calling identified server functions. The present claims are to a stub on the server side that must mimic the server not test the server as in Weinberg. Therefore what is discussed in Weinberg is parsing a script and from that result calling server functions and testing what is returned. Amended claim 1 in the present invention receives what would be a function call to the server and parses it so that it may respond with the correct data. Therefore, Weinberg does not teach or suggest "an electronic text parsing unit, the electronic text parsing unit emulating the receiving portion of a server by parsing an electronic text transmitted from a program to be tested to detect a required data item," as in amended claim 1. Claim 1 has been amended to clarify that what is being emulated is the server portion. Support for the amendment found on page 11 lines 18-21.

Further, column 13 lines 30-16 cited by the Examiner discuss a user interface to create expected results from a server call. The present claims are not what data should be expected back from a server as in Weinberg, but what data is transmitted to the client in response to a function call to the server. Therefore, Weinberg does not teach or suggest "an electronic text data setting unit embedding an input data value, which corresponds to the detected data item, in an electronic text to be transmitted to a side of the program to be tested," as in claim 1.

Nelson discusses a system and method of avoiding deadlock in a non-preemptive multitasking application. Nothing in Weinberg speaks to multi-threading or multi-tasking and Nelson is not to a system for testing software, therefore there is no motivation to combine the references.

The other independent claims 5 and 10-11 emphasize similar features.

For at least the reasons stated above, Weinberg and Nelson taken separately or in combination fail to teach or suggest the elements of claims 1, 5 and 10-11 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

NEW CLAIMS

Claim 17 is new. Support for claim 17 found on page 11 lines 18-21, page 13 line 20 through page 14 line 9 and Fig. 8. The parameters of the function call, it is submitted, are inherent in the parsing of attributes as in Fig. 8. The prior art failing to teach or suggest that the server functionality is a stub program emulating the server.

SUMMARY

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: April 18, 2007

By: /James J. Livingston, Jr./
James J. Livingston, Jr.
Registration No. 55,394

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501